IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 17524 of 1992

Between:

M/s.Pragathi Enterprises , Rep by its Managing Partner M.Bhasker rao.
Samarlakot , E.G.dist

..... PETITIONER

AND

1 The Commercial Tax Officer, Peddapuram.
2 The Dy.Commissioner (CT), Kakinada.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Certiorari or any other appropriate writ or order or direction calling for the records relating to the orders of the Commercial Tax Officer , peddapuram in Assessment No. 10616/80-81, Dt: 271-82 and Assessment No.10616/81-82, Dt: 19-11-82 and for the assessment years 1980-81 and 1981-82 respectively and quash the same to the extent the levy tax on the turnover of Rs.2,03,170/- and Rs.2,98,500/- represent sales of Tapioca flour for the assessment years 1980-81 and 1981-82 and direct the Commercial Tax Officer, Peddapuram to refund the tax of Rs.8,759/- and Rs.13,134/- respectively and to pass such other order or orders.

Counsel for the Petitioner:MR.S.DWARAKANATH, Advocate.

Counsel for the Respondents : GP FOR COMMERCIAL TAXES

The Court at the stage of admission, made the following :

ORDER : (per Sri Bilal Nazki, J)

Small controversy in this case is, the Tribunal, on a motion of the petitioner, passed an order on 4th July, 1988. The directions given were ;

> *"We therefore allow the appeal, set aside the impugned order rejecting the appellant's revision petition and direct the Deputy Commissioner to dispose of the same on merits."*

When this Writ Petition was filed, the grievance of the petitioner was that his revision was not disposed of although it had been directed by the Tribunal, therefore he sought a direction that the revision be decided. Neither of the parties is in a position to tell us whether the revision has been decided as on today or not.

In these circumstances, we dispose of the Writ Petition with a direction that if the revision is still pending, it may be decided within a period of two weeks from the date of receipt of a copy of this order. No costs.

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(BILAL NAZKI, J)

26th August, 2004.

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(P.S.NARAYANA,J)

ajr

To

1 The Commercial Tax Officer, Peddapuram.
2 The Dy.Commissioner (CT), Kakinada.

3 Two C.Cs. to the GP for Commercial Taxes, High Court buildings,

Hyderabad (O.U.T).

4 Two C.D. copies.